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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,080	07/25/2000	Stephen J. Brown	014030.0118N2US	6262

60683 7590 01/18/2007

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EXAMINER	
OUELLETTE, JONATHAN P	
ART UNIT	**PAPER NUMBER**
3629	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/625,080	BROWN, STEPHEN J.	
	Examiner	Art Unit	
	Jonathan Ouellette	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10/27/06*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16,18,22 and 25-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16,18,22 and 25-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims 1-15, 17, 19-21, and 23-24 have been cancelled, and Claims 27-31 have been added; therefore, Claims 16, 18, 22, and 25-31 are currently pending in application 09/625,080.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 16, 18, 22, and 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chait et al. (US 5,639,471) in view of Blank (US 5,913,826), and further in view of Mavis et al. (Mavis, Brian E; Stoffelmayr, Bertram E, "Multidimensional evaluation of monetary incentive strategies for weight control, The Psychological Record, Spring 1994).**

4. As per **independent Claim 16**, Chait discloses a method of aggregating information from individuals in a population (Clinical trial/study, C8-C9) thereof, said method comprising: b) prompting each individual for health-related information, and collecting the health-related information for each individual (patient evaluations, C63-C68); e) generating

statistical information from said collected information (Clinical data analysis, C67-C68); and g) repeating steps a-d after a period of time has elapsed (each established period for 10 weeks, C25-C28), wherein said statistical information comprises a first statistical measure for a first subpopulation of individuals (Test group 1) within the plurality of individuals and a second statistical measure for a second subpopulation (Control group 2) of individuals with the plurality of individuals (C61-C69).

5. Chait fails to expressly disclose a client device associated with each individual for health-related data collection; a) coupling a client device to a data collection element for each of a plurality of individuals in the population; c) sending the collected information from said client devices to a server device; and d) extracting the collected information from the data collection elements.
6. However, Blank discloses a client device used to gather/store patient health-related information, and transferring the health-related information to a medical provider database/system (C19-C20).
7. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a) coupling a client device to a data collection element for each of a plurality of individuals in the population; c) sending the collected information from said client devices to a server device; d) extracting the collected information from the data collection elements, as disclosed by Blank in the system disclosed by Chait, for the advantage of providing a method of aggregating information from individuals in a population, with the ability to increase the efficiency of the

system/method by collecting patient/user information from remote (out of hospital) locations.

8. Chait and Blank fail to expressly disclose f) distributing the statistical information to the individuals.
9. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to publish the clinical trial/study results, especially to those who participated in the clinical/study. Furthermore, it would have been obvious to transmit the findings of the study electronically to the participant, as It was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).
10. Chait discloses comparing the first statistical measure with the second statistical measure, and distributing a result of the comparison to the first subpopulation of individuals and to the second subpopulation of individuals (Chait: Clinical data analysis, C67-C68).
11. Chait and Blank fail to expressly disclose awarding a benefit to one or more of the individuals based on the result of the comparison.
12. However, Mavis discloses the advantages and method steps for offering monetary incentives to members of a health related study (weight loss), based on the user's results/participation (pg.4-5).
13. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included awarding a benefit to one or more of the individuals based on the result of the comparison, as disclosed by Blank in the system disclosed by

Blank, in the system disclosed by Chait, for the advantage of providing a method of aggregating information from individuals in a population, with the ability to increase user participation and motivation by offering incentives to the users.

14. As per Claim 22, Chait, Blank, and Mavis disclose coupling a client device to the data collection element (Blank: C19-C20).

15. As per new Claim 27, Chait, Blank, and Mavis disclose wherein the statistical information is distributed by the server device to the client devices (see rejection of claim 16; Blank: C19-C20).

16. As per **independent Claim 18**, Chait discloses a system for aggregating information for individuals in a population thereof (Clinical trial/study, C8-C9), said system including: a data collection element disposed for collecting an individual value comprising health-related information for each of plurality of individuals in the population for health-related information (patient evaluations, C63-C68); wherein each system repeats collecting the individual value for the individual associated therewith (each established period for 10 weeks, C25-C28), said system the determination of at least one aggregate value in response to the repeated collections performed (Clinical data analysis, C67-C68), when a preset period of time has elapsed since the previous collection of individual values (1 week study period, C25-C28), determination of at least one aggregate value; and wherein the at least one aggregate value comprises a first statistical measure for a first subpopulation of individuals within the plurality of individuals (Test group 1) and a second statistical measure for a second subpopulation of individuals (Control group 2) within the plurality of individuals (C61-C69).

17. Chait fails to expressly disclose a client device for data collection; a server, disposed for receiving said individual values, for determining at least one aggregate value in response thereto, and extracting the collected information from the data collection elements.

18. However, Blank discloses a client device used to gather/store patient health-related information, and transferring the health-related information to a medical provider database/system (C19-C20).

19. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a client device for data collection; a server, disposed for receiving said individual values, for determining at least one aggregate value in response thereto, and extracting the collected information from the data collection elements, as disclosed by Blank in the system disclosed by Chait, for the advantage of providing a method of aggregating information from individuals in a population, with the ability to increase the efficiency of the system/method by collecting patient/user information from remote (out of hospital) locations.

20. Chait and Blank fail to expressly disclose wherein said server device distributes said at least one aggregate value to a plurality of said client devices.

21. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to publish the clinical trial/study results, especially to those who participated in the clinical/study. Furthermore, it would have been obvious to transmit the findings of the study electronically to the participant, as It was known at the time of the invention that merely providing an automatic means to replace a manual activity

which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

22. Chait discloses comparing the first statistical measure with the second statistical measure, and distributing a result of the comparison to the first subpopulation of individuals and to the second subpopulation of individuals (Chait: Clinical data analysis, C67-C68).

23. Chait and Blank fail to expressly disclose awarding a benefit to one or more of the individuals based on the result of the comparison.

24. However, Mavis discloses the advantages and method steps for offering monetary incentives to members of a health related study (weight loss), based on the user's results/participation (pg.4-5).

25. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included awarding a benefit to one or more of the individuals based on the result of the comparison, as disclosed by Blank in the system disclosed by Blank, in the system disclosed by Chait, for the advantage of providing a method of aggregating information from individuals in a population, with the ability to increase user participation and motivation by offering incentives to the users.

26. As per Claim 25, Chait, Blank, and Mavis disclose comprising a set of client devices, each couple to a respective data collection element (Blank, C19-C20).

27. As per Claim 26, Chait, Blank, and Mavis disclose a communication path between said client devices and said server device (Blank, C19-C20).

28. As per new **independent Claim 28**, Chait discloses a method of aggregating information from individuals in a population (Clinical trial/study, C8-C9) thereof, said method

comprising: b) prompting each individual for health-related information, and collecting the health-related information for each individual at the client device associates with each individual (patient evaluations, C63-C68); c) extracting the collected information; generating statistical information from said collected information sent from a plurality of client devices (Clinical data analysis, C67-C68); and g) repeating steps a-d after a period of time has elapsed (each established period for 10 weeks, C25-C28); *h)* wherein said statistical information comprises a first statistical measure for a first subpopulation of individuals within the plurality of individuals (Test group 1) and a second measure for a second subpopulation of individuals within he plurality of individuals (Control group 2); i) comparing the first statistical measure with the second statistical measure (Clinical data analysis, C67-C68).

29. Chait fails to expressly disclose a client device for data collection; a server, disposed for receiving said individual values, for determining at least one aggregate value in response thereto, and extracting the collected information from the data collection elements.

30. However, Blank discloses a client device used to gather/store patient health-related information, and transferring the health-related information to a medical provider database/system (C19-C20).

31. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a client device for data collection; a server, disposed for receiving said individual values, for determining at least one aggregate value in response thereto, and extracting the collected information from the data collection elements, as disclosed by Blank in the system disclosed by Chait, for the advantage of

providing a method of aggregating information from individuals in a population, with the ability to increase the efficiency of the system/method by collecting patient/user information from remote (out of hospital) locations.

32. Chait and Blank fail to expressly disclose wherein said server device distributes said at least one aggregate value to a plurality of said client devices.

33. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to publish the clinical trial/study results, especially to those who participated in the clinical/study. Furthermore, it would have been obvious to transmit the findings of the study electronically to the participant, as It was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

34. Chait discloses comparing the first statistical measure with the second statistical measure, and distributing a result of the comparison to the first subpopulation of individuals and to the second subpopulation of individuals (Chait: Clinical data analysis, C67-C68).

35. Chait and Blank fail to expressly disclose awarding a benefit to one or more of the individuals based on the result of the comparison.

36. However, Mavis discloses the advantages and method steps for offering monetary incentives to members of a health related study (weight loss), based on the user's results/participation (pg.4-5).

37. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included awarding a benefit to one or more of the individuals

based on the result of the comparison, as disclosed by Blank in the system disclosed by Blank, in the system disclosed by Chait, for the advantage of providing a method of aggregating information from individuals in a population, with the ability to increase user participation and motivation by offering incentives to the users.

38. As per new Claim 29, Chait, Blank, and Mavis disclose wherein the statistical information is distributed by a server device to the client devices (Blank, C19-C20).

39. As per new **independent Claim 30**, Chait discloses a system for aggregating information for individuals in a population (Clinical trial/study, C8-C9) thereof, said system including: collecting an individual value comprising health-related information for each of plurality of individuals in the population (patient evaluations, C63-C68); receiving said individual values, for determining at least one aggregate value (Clinical data analysis, C67-C68); wherein each of the client devices repeats collecting the individual value for the individual associated therewith, and repeats the determination of at least one aggregate value in response to the repeated collection (each established period for 10 weeks, C25-C28), when a preset period of time has elapsed since the previous collection of individual values (each established period for 10 weeks, C25-C28), determination of at least one aggregate value and distribution of said at least one aggregate value (Clinical data analysis, C67-C68); wherein the at least one aggregate value comprises a first statistical measure for a first subpopulation of individuals within the plurality of individuals (Test group 1), and a second statistical measure for a second subpopulation of individuals within the plurality of individuals (Clinical data analysis, C67-C68); and

comparing the first statistical measure with the second statistical measure (Clinical data analysis, C67-C68).

40. Chait fails to expressly disclose a client device for data collection; a server, disposed for receiving said individual values, for determining at least one aggregate value in response thereto, and extracting the collected information from the data collection elements.

41. However, Blank discloses a client device used to gather/store patient health-related information, and transferring the health-related information to a medical provider database/system (C19-C20).

42. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a client device for data collection; a server, disposed for receiving said individual values, for determining at least one aggregate value in response thereto, and extracting the collected information from the data collection elements, as disclosed by Blank in the system disclosed by Chait, for the advantage of providing a method of aggregating information from individuals in a population, with the ability to increase the efficiency of the system/method by collecting patient/user information from remote (out of hospital) locations.

43. Chait and Blank fail to expressly disclose wherein said server device distributes said at least one aggregate value to a plurality of said client devices.

44. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to publish the clinical trial/study results, especially to those who participated in the clinical/study. Furthermore, it would have been obvious to transmit the findings of the study electronically to the participant, as It was known at the time of

the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

45. Chait discloses comparing the first statistical measure with the second statistical measure, and distributing a result of the comparison to the first subpopulation of individuals and to the second subpopulation of individuals (Chait: Clinical data analysis, C67-C68).

46. Chait and Blank fail to expressly disclose awarding a benefit to one or more of the individuals based on the result of the comparison.

47. However, Mavis discloses the advantages and method steps for offering monetary incentives to members of a health related study (weight loss), based on the user's results/participation (pg.4-5).

48. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included awarding a benefit to one or more of the individuals based on the result of the comparison, as disclosed by Blank in the system disclosed by Blank, in the system disclosed by Chait, for the advantage of providing a method of aggregating information from individuals in a population, with the ability to increase user participation and motivation by offering incentives to the users.

49. As per new Claim 31, Chait, Blank, and Mavis disclose a communication path between said client devices and said server device (Blank, C19-C20).

Response to Arguments

50. Applicant's arguments with respect to Claims 16, 18, 22, and 25-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

51. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

52. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

53. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

January 9, 2007

JONATHAN OUELLETTE
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600